

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ODIE MILLER,

Plaintiff,

v.

Case No. 4:06-CV-116

Hon. Richard Alan Enslen

JOSEPH M. UNDERWOOD, *et al.*,

Defendants.

**ORDER**

Plaintiff Odie Miller has filed a Reply in response to the Answer of Defendant Joseph M. Underwood. His Reply requests the entry of a default judgment against Defendants named only as “Cass County Medical Staff.” It also requests “that this Court issue a subpoena for the medical record concerning a spider bite from the Cass County Jail, the Berrien County Jail, and [the] Berrien Regional Associates in Neurology . . . .” Because these requests were made *pro se*, the Court treats them as motions for relief consistent with *Haines v. Kerner*, 404 U.S. 519 (1972).

So construed, the requests must be denied. It is improper and unworkable to issue a default judgment against unnamed parties. Plaintiff should instead determine through discovery the names of the alleged tortfeasors so that he may request leave to amend his complaint to specifically sue them. Regarding the request for a subpoena, the request is denied because it is not specific and is otherwise non-compliant with Federal Rule of Civil Procedure 45.

**THEREFORE, IT IS HEREBY ORDERED** that the motions for relief contained in Plaintiff’s Reply (Dkt. No. 13) are **DENIED**.

DATED in Kalamazoo, MI:  
January 26, 2007

/s/ Richard Alan Enslen

RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE